

**Staff
Summary
Report**



**To: Mayor and City Council
Through: City Manager**

**Agenda Item Number 25
Meeting Date: 09/20/01**

SUBJECT: CENTER FOR EDUCATIONAL EXCELLENCE #SGF-2001.53

PREPARED BY: Hector Tapia, Senior Planner (480-350-8331)

REVIEWED BY: Dave Fackler, Development Services Manager (480-350-8333)

q-j

BRIEF: This is the second public hearing for Center for Educational Excellence for an Amended General and Final Plan of Development for the Crossroads with a use permit at 1700 East Elliot Road.

COMMENTS: **PLANNED DEVELOPMENT (0406)** Hold the second public hearing for **CENTER FOR EDUCATIONAL EXCELLENCE** (Richard Engle/Pacific West Development , property owner) for an Amended General and Final Plan of Development for the Crossroads with a use permit to allow an outdoor playground area located at 1700 East Elliot Road. The following approval is requested from the City of Tempe:

#SGF-2001.53 An Amended General and Final Plan of Development for the Crossroads to allow a 8,500 s.f. outdoor playground area. The total center includes 87,526 s.f. of building area on 8.50 net acres in the PCC-1 Zoning District, located at 1700 East Elliot Road. (See use permit on Attachment #3.)

Document Name: 20010920devsrh06 **Supporting Documents:** Yes

SUMMARY: This request is for the 7th Amended General and Final Plan of Development for the Crossroads, including a use permit to allow a charter school outdoor playground area, consisting of 8,500 s.f. The proposed charter school (K to 8th grade) is an allowed use in the PCC-1 Zoning District but since an outdoor playing area is part of this request, a use permit is required. According to the applicant, the outdoor playground is a critical part of the school functions for children's activities. Part of the space leased by the school was formerly used by a grocery store. The charter school has a lower parking ratio requirement, 1/300 for classroom vs. 1/250 for retail. With a previous parking variance approved, the total parking required for the shopping center is 383 spaces while 395 spaces are available. The intention is to enclose an area behind of the building (west side) with a combination block wall and 8' high wrought iron fence. On August 14, 2001, Planning Commission approved this request on their consent agenda. Staff supports this request subject to conditions. One letter of support was received from an adjacent property owner indicating that the commercial center needs help.

RECOMMENDATION: Staff – Approval
Public – Comments

ATTACHMENTS:

1. List of Attachments
 - 2-3 History & Facts / Description
 4. Comments / Reasons for Approval
 - 5-6 Conditions of Approval
-
- A. Location Map
 - B. 7th Amended General and Final Plan of Development
 - C. Letter of Explanation/Intent
 - D. Letter of Authorization
 - E. Letter of Support
 - F. Aerial Photo

HISTORY & FACTS:

- April 10, 1975. City Council approved a request by Hudson Properties for a zoning change from AG to PCC-2 for 154.2 acres and IBD for 71.7 acres located north of Elliot between Rural Road and McClintock Drive, with a condition that construction commence within 3 years or the property would revert back to AG zoning.
- August 20, 1978. Planning and Zoning Commission approved the request of Knoell Bros. Const. Co. for a zoning change from AG to R1-7 and also a preliminary subdivision for Knoell Tempe Unit #9 on 162.7 acres located at the southwest intersection of McClintock Dr. and the Western Canal.
- January 23, 1979. Planning and Zoning Commission approved a rezoning request from AG for 22.6 net acres to RO for 15.1 net acres and PCC-1 for 7.5 net acres.
- August 13, 1981. City Council approved the request of D.A.T. Company for a zoning change from AG to RO for 11.5 acres and PCC-1 for 8 acres, subject to conditions.
- April 15, 1985. Planning and Zoning Commission approved a zoning change from RO to PCC-1 for a 2.1 acre parcel and an Amended General and Final Plan of Development for The Crossroads Center consisting of 108,700 s.f. on 10.0 acres with variances.
- July 11, 1985. City Council approved a rezoning and Amended General and Final Plan of Development for the Crossroads.
- September 26, 1985. City Council approved the request of Gene Cox for an Amended Final Plan of Development for the Crossroads Shopping Center consisting of 104,785 s.f. on 10 acres.
- April 16, 1987. City Council approved for CPM Investments (Goodyear Tire Store) an Amended General and Final Plan of Development for Pad "B" with variances and use permit.
- April 30, 1987. City Council approved for McDonald's Corp. an appeal of Planning Zoning Commission Denial for an Amended General and Final Plan of Development for Pad "A" with a variance and use permit.
- September 15, 1988. City Council approved the request by All About Pets for an Amended General and Final Plan of Development to include a use permit for a 6,000 s.f. pet store/veterinarian clinic, subject to a three-year time limit and other applicable conditions.
NOTE: In October 1991, the pet store portion of the business closed. During bankruptcy procedures the use permit for the veterinary clinic lapsed.
- June 8, 1989. City Council approved an appeal of the Planning Commission denial for an outside dining and play area for McDonald's at the Pad "A" site.

November 17, 1992. Hearing Officer approved a request by Diego's Cantina for a use permit to allow an outdoor dining area.

April 15, 1993. City Council approved the request of McDonald's Corp. for an Amended General and Final Plan of Development for Pad "A" consisting of 5,605 s.f. on .86 acres.

August 24, 1993. Planning Commission approved as part of their consent agenda (7-0 vote) the use permit request by Dr. Mark Loeschen for a veterinary clinic.

September 30, 1993. City Council approved the request by Dr. Mark Loeschen for an Amended General and Final Plan of Development and use permit to allow a C-2 use/use permit (for a 3,249 s.f. veterinary clinic) in the PCC-1 zoning district for The Crossroads Shopping Center.

July 20, 2000. City Council approved the request by Hardtke World of Baseball (now Az World of Baseball) for an Amended General and Final Plan of Development and a use permit for an indoor baseball and softball instructional facility consisting of 15,008 s.f. and a variance to reduce the minimum required parking from 426 to 395 spaces (75 to 44 for this applicant).

August 14, 2001. Planning Commission approved an Amended General and Final Plan of Development and a use permit for Center for Educational Excellence (a charter school outdoor playground area) on their consent agenda.

September 13, 2001. City Council held the first public hearing for this request.

DESCRIPTION: Owner – McClintock & Elliot LLC, Richard Engle
 Applicant – Comeau Construction Company, Lawrence Comeau Jr.
 Existing zoning – PCC-1
 Total site area – 8.5 net acres
 Total building area (for center) – 87,526 s.f.
 Proposed playground area – 8,500.f.
 Parking Required – 383 spaces
 Parking provided (for center) – 395 spaces (variance from 426)
 Parking required (for school) – 65 spaces

Use Permit
 Allow a 8,500 s.f. outdoor playground area in the PCC-1 Zoning District.

COMMENTS: This request is for the 7th Amended General and Final Plan of Development for the Crossroads, including a use permit to allow an outdoor playground area, consisting of 8,500 s.f. The proposed charter school (K to 8th grade) is an allowed use in the PCC-1 Zoning District but since an outdoor playing area is part of this request, a use permit is required.

According to the applicant, the outdoor playground is a critical part of the school functions for children's activities.

Part of the space leased by the school was formerly used by a grocery store. The charter school has a lower parking ratio requirement, 1/300 for classroom vs. 1/250 for retail. With a previous parking variances approved, the total parking required for the shopping center is 383 spaces, while 395 spaces are available.

The intention is to enclose an area behind the building (west side) with a combination block wall and 8' high wrought iron fence. Staff supports this request subject to conditions. One letter of support was received from an adjacent property owner indicating that the commercial center needs help.

RECOMMENDATION: Approval

REASON(S) FOR APPROVAL:

1. The proposed charter school outdoor playground area appears not to be detrimental to adjacent businesses, property owners, and the vicinity in general.
2. Circulation at the back of the buildings (west side property line) appears to be acceptable to Public Works and the Fire Department.

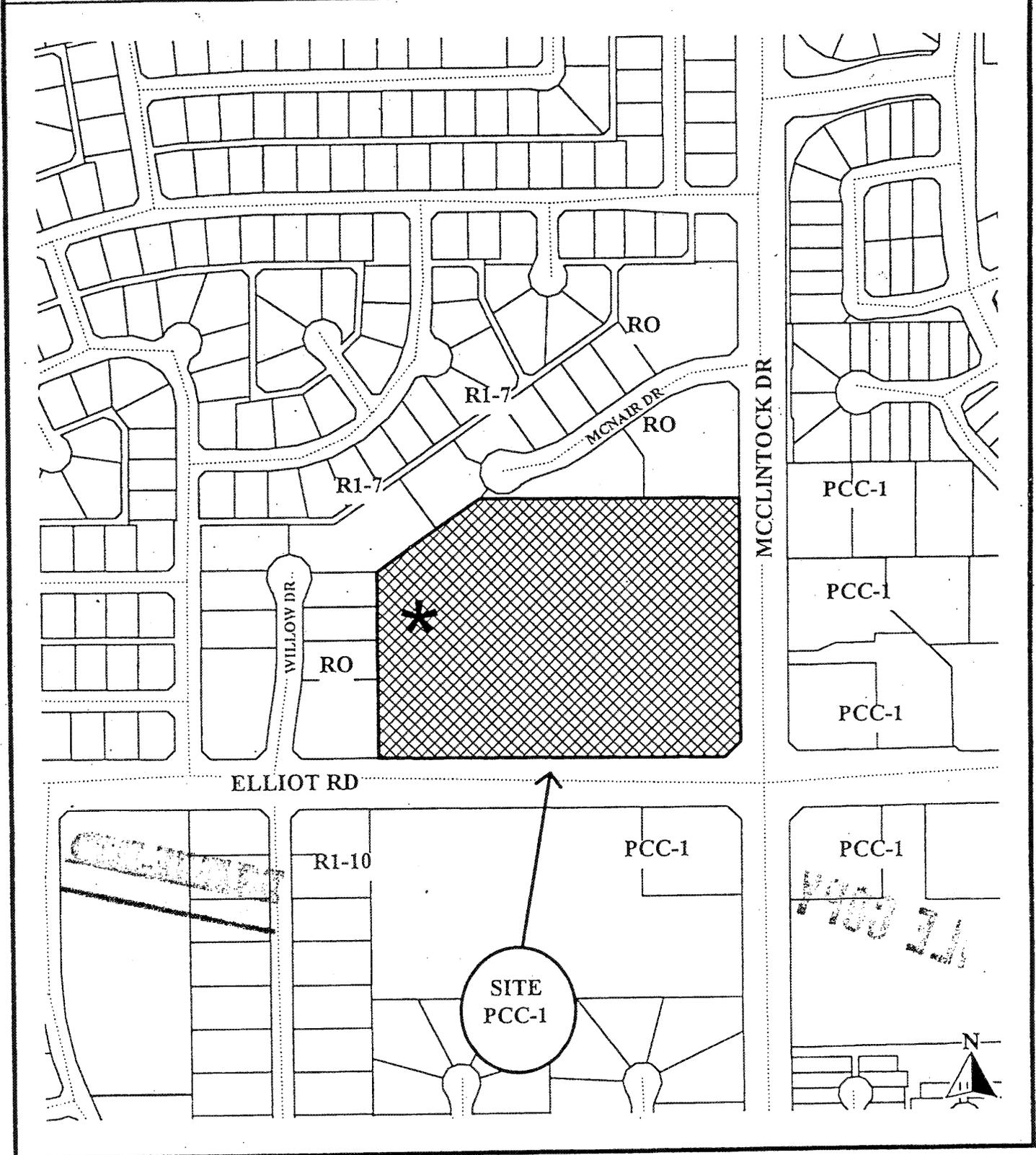
**CONDITION(S)
OF APPROVAL:**

1. a. The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water retention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
- b. Off-site improvements to bring roadways to current standards include:
 - (1) Water lines and fire hydrants
 - (2) Sewer lines
 - (3) Storm drains.
 - (4) Roadway improvements including streetlights, curb, gutter, bikepath, sidewalk, bus shelter, and related amenities.
- c. Fees to be paid with the development of this project include:
 - (1) Water and sewer development fees.
 - (2) Water and/or sewer participation charges.
 - (3) Inspection and testing fees.
- d. All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
2. a. All street dedications shall be made within six (6) months of Council approval.
- b. Public improvements must be installed prior to the issuance of any occupancy permits. Any phasing shall be approved by the Public Works Department.
- c. All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re)development in accordance with the Code of the City of Tempe - Section 25.120.
3. A valid building permit shall be obtained and substantial construction commenced by September 20, 2002 or the use permit shall be deemed null and void.
4. This plan shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.
5. The use permit is non-transferable and is issued to **Center for Educational Excellence only**.

6. Any intensification or expansion of the use shall require the applicant to return to the City Council for further review.
7. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall require the applicant to return to the City Council for re-evaluation of the use permit.
8. The applicant shall resolve all lighting and security details with the Design Review and Crime Prevention staff prior to the issuance of a building permit.
9. The General and Final Plan of Development shall be put into proper engineered format with appropriate signature blanks and recorded, prior to issuance of building permits, with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department. Prior to recordation of the General and Final Plan of Development, the Planning division shall review details of the format.

CENTER FOR EDUCATIONAL
EXCELLENCE

SGF-2001.53

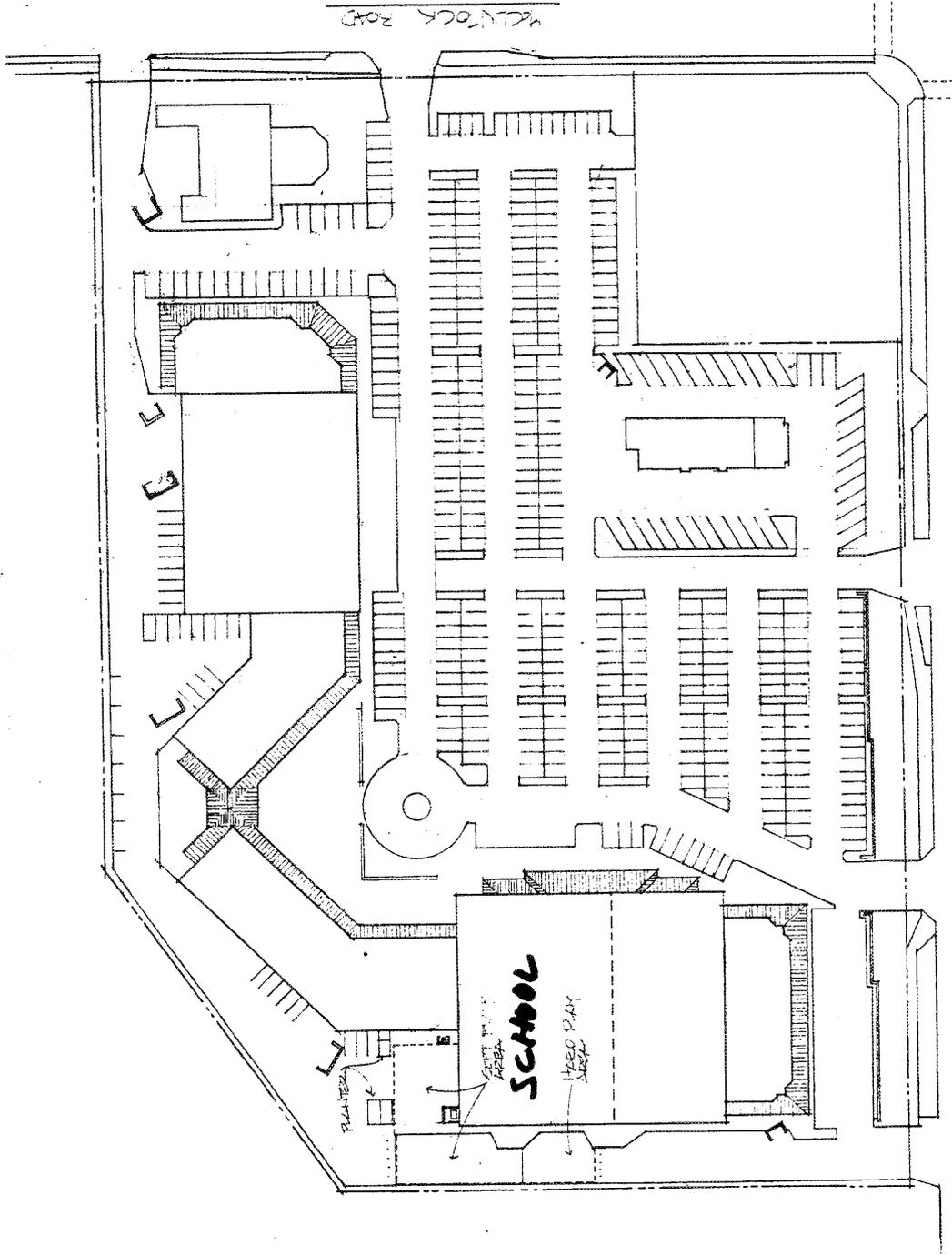


Location Map

COPY

A

7TH AMENDED GENERAL AND FINAL PLAN

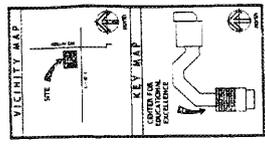


HERE ARE NO CHANGES TO THE PROPERTY LINES, PERMITS OR BUILDING STRUCTURES. THE EXTENT OF THE SITE WORK IN THE WALLS, RAMPS AND FENCING TO THE PLAYGROUND AREA.

ELLIOT ROAD

WILCOCK ROAD

CENTER FOR EDUCATIONAL EXCELLENCE
THE CROSSROADS N.W. CORNER ELLIOT & WILCOCK



NO.	DATE	BY	DESCRIPTION
1	10/20/00	SGF	PRELIMINARY PLAN
2	11/15/00	SGF	REVISED PLAN
3	12/15/00	SGF	REVISED PLAN
4	1/15/01	SGF	REVISED PLAN
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257	2/15/22	SGF	REVISED PLAN
258	3/15/22	SGF	REVISED PLAN

Comeau Construction Company, Inc.
8350 East Evans Road, Suite B-8
Scottsdale, Arizona 85260
Phone: 480 951-5060
Fax: 480 951-5060

July 19, 2001

Hector Tapia
Development Services Department
31 East 5th Street
Tempe, AZ 85281

RE: Center For Educational Excellence
Playground Design Review

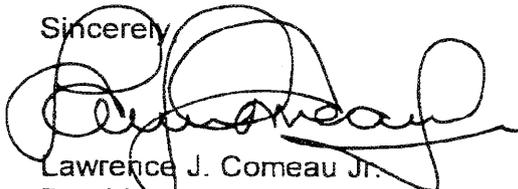
Dear Mr. Tapia:

As per your request the following is a brief description of the proposed playground for the above referenced project.

The plans show approximately 8,500 sq. ft. of playground. There are hard and soft play surfaces all enclosed by an eight-foot high wrought iron fence. The school will have grades K thru eight. The work is to include wrought iron fencing, block walls, exterior signage, lights, and parking modifications. There have been no changes to the building outline, building square footage or property lines.

If you have any questions please feel free to contact me.

Sincerely,



Lawrence J. Comeau Jr.
President

C

SGF-2001.53

June 1, 2000

Planning and Zoning Department
City of Tempe
Tempe, AZ

Re: Crossroads Plaza, NWC McClintock & Elliott
Tempe, Arizona

To Whom It May Concern:

Please accept this letter as my authorization, as the owner of the Crossroads Plaza located at the northwest corner of Elliott and McClintock Roads in Tempe, to permit Comeau Construction to submit drawings for the seventh amended general and final site plan concerning the playground as submitted by the Center for Educational Excellence.

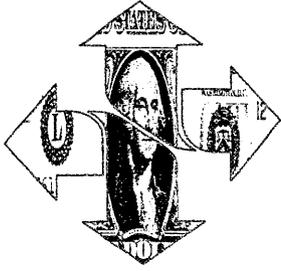
Sincerely,



Richard Engle
Pacific West Development

ME Central Elliot LLC, RICHARD ENGEL, MEMBER.

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THE BOLES GROUP, PC

Certified Public Accountants and Business Advisors

June 27, 2001

Planning & Zoning Commission
P.O. Box 5002
Tempe, AZ 85280-5002

RE: Center for Educational Excellence

Dear Commission Board Members:

I am writing in relation to the Public Notice of a Use Permit to allow a 10,000 sq. ft. outdoor playground area for the project mentioned above. I am the owner of the building located at 7550 S. Willow Dr, which is in the Crossroads Business Park, adjacent to the Crossroads Plaza where the permit is being requested.

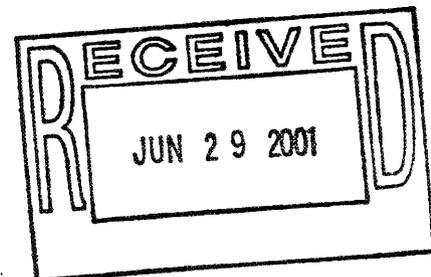
The Crossroads Plaza has struggled finding and keeping good tenants. Helping support their efforts to get quality tenants such as the Center for Educational Excellence, and its use permit request benefits them and in return should help my land value and investment. However, if the allowance of a playground will cause greater restrictions on whoever builds at a future date on the land behind the playground, then I would not support the use permit. Any additional requirements have the potential of raising the future building cost and dealing with the city. This has a possibility of hurting land value in the Business Park and that would be wrong.

In summary I support the playground if it does not add additional requirements for any building that will be taking place behind it.

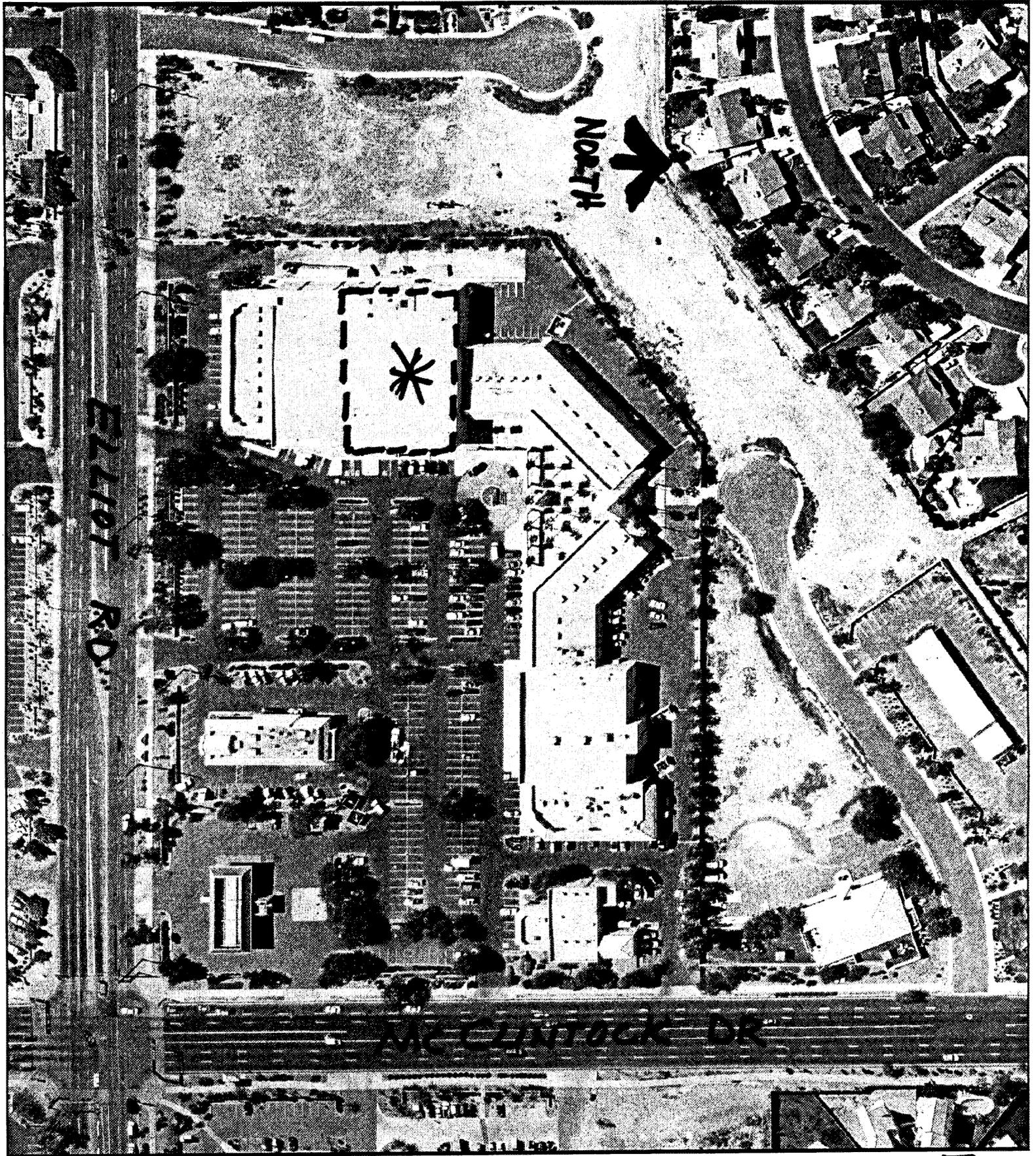
If you, or the property owner, have any question related to my letter please feel free to call and we will discuss this matter.

Sincerely,

Randy Boles, CPA



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